



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JUN 26 2015

Ref: 8EPR-N

Mark Albers, District Manager
HiLine District Office
Bureau of Land Management
c/o Brian Hockett, Planning & Environmental Coordinator
3990 Highway 2 West
Havre, MT 59501

Re: HiLine District Office Proposed Resource Management Plan and
Final Environmental Impact Statement, CEQ #20150138

Dear Mr. Albers:

The U.S. Environmental Protection Agency Region 8 has reviewed the Bureau of Land Management (BLM) June 2015 Final Environmental Impact Statement (EIS) and Proposed Resource Management Plan (PRMP) for the HiLine District Office. Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

Background

The HiLine planning area consists of approximately 17.6 million acres in Blaine, Chouteau, Glacier, Hill, Liberty, Phillips, Toole, and Valley Counties, Montana. The planning area also includes lands of the Flathead, Rocky Boy, Ft. Peck, Ft. Belknap, and Blackfeet Reservations. Of the total planning area acreage, about 2.43 million surface acres and 4.24 million mineral acres are administered by the BLM. These lands and minerals are managed by three BLM Montana Field Offices in Havre, Malta, and Glasgow.

The March 2013 Draft EIS identified the Preferred Alternative as Alternative E, which was intended to provide moderate resource development with sensitive resources protected in specific areas. Based on comments received, Alternative E was modified and is now presented as the PRMP to focus on a balance between managing public lands for economic and recreational growth while protecting valuable resources. The PRMP is designed to address management challenges for resource use, including energy development, soil and vegetation management, and greater sage-grouse habitat management. This PRMP will replace the 1988 West HiLine and 1996 Sweet Grass Hills RMP Amendments, the 1994 Judith-Valley-Phillips RMPs and 1996 Land Use Plan Amendments. Since this is a programmatic analysis, site specific projects are not being considered or approved at this time.

We appreciate that many of our June 21, 2013 comments on the Draft EIS have been addressed. Our remaining comments are all within the scope of concerns expressed in our Draft EIS comment letter and focus on only the most significant of those concerns as they pertain to the NEPA analysis and protection of air resources and water resources.

Air Resources

We want to reiterate that the BLM Montana/Dakotas Office has done an excellent job of implementing the 2011 “MOU Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through the NEPA Process” and coordinating the associated Air Quality Technical Workgroup (AQTW). The collaboration among the AQTW participants has resulted in effective and efficient NEPA air quality analyses thus far, and we believe it will continue to do so moving forward. The results of this collaboration and analyses are evident in PRMP air quality protection measures, such as oil and gas lease stipulations and emissions reduction strategies to be required at the project level. These measures will help ensure that air quality and air quality related values are protected as projects begin to move forward and are tiered to the RMP analyses. The analyses, mitigation measures, and related collaborative processes are well-documented in the Final EIS and Air Resource Management Plan and include the BLM’s commitment to “facilitate an interagency process to ensure that a comprehensive strategy is developed to manage air quality impacts from future oil and gas development in the region.” We acknowledge and appreciate the resources and effort that have made the BLM Montana/Dakotas AQTW process successful thus far, and we look forward to continued participation.

We note an inconsistency in Appendix E, Fluid Minerals, which simply may be an oversight in revisions made throughout the document between the Draft EIS and the Final EIS. Stipulations listed under Preferred Alternative E do not match those included in Chapter 2, including requirements identified in both the Chapter 2 summary of changes from the Draft EIS and in the oil and gas lease stipulations by alternatives comparison table (i.e., Table 2.8). Specifically, Appendix E appears to be missing the Preferred Alternative CSU for Air Resources to stipulate engine emission control requirements. We recommend this revision be carried through to Appendix E for clarification and consistency purposes within the RMP and with other Field Offices.

Greenhouse Gas (GHG) Emissions and Climate Change

We appreciate the discussion of climate change and the inclusion of GHG emissions inventories for each alternative. We also note that the Chapter 2 description of alternatives includes climate change-related management goals (e.g., reduce GHG emissions from BLM-authorized activities, while recognizing the multiple use-sustained yield mission of the BLM) and management actions that will be implemented (e.g., encourage use of green or flareless well completions as a Best Management Practice for oil and gas operations to reduce GHG emissions). We recommend that the BLM’s Record of Decision identify and commit to implementation of reasonable mitigation measures at the project level to specifically reduce GHG emissions (which could include a discussion of co-benefits of actions to reduce other pollutants). Such measures could include consideration of renewable energy resources to address energy needs for compressor stations and other facilities.

We believe the Council on Environmental Quality (CEQ) December 2014 Revised Draft Guidance for Federal Agencies' Consideration of GHG Emissions and Climate Change offers a reasonable approach for conducting analyses of GHGs and climate change impacts. We note that the HiLine PRMP/Final EIS compares the GHG emissions to state, national and global emissions; we believe this approach does not provide meaningful information for a planning level analysis. We recommend that the NEPA analyses provide a frame of reference, such as an applicable federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals.

While the Chapter 4 Air Resources and Climate section notes that “the lack of scientific tools (models with sufficient spatial and temporal resolution) to forecast climate change at local scales limits the ability to quantify current and future impacts of climate change in the planning area,” we recommend agencies follow the approach recommended in the CEQ guidance of using the projected GHG emissions as proxy for assessing a proposed action's potential climate change impacts. This allows an agency to present the environmental impacts in clear terms and with sufficient information to make a reasoned choice between the no-action and alternatives and mitigation.

Water Resources

Oil and Gas Lease Stipulations: We appreciate the BLM's considerable effort to protect water resources in the HiLine District and the recognition of planning area specific concerns. The PRMP includes oil and gas lease stipulations that will be applied at the project level to protect water resources, including perennial or intermittent streams, lakes, ponds, reservoirs, 100-year floodplains, wetlands/riparian areas, and source water protection areas. We also appreciate the addition of the Residential Structures No Surface Occupancy (NSO) to prohibit surface occupancy within 500 feet of incorporated city limits or occupied dwellings. This measure essentially addresses our recommendation for a minimum 500-foot setback from private wells.

While some of these water resource lease stipulations are not completely consistent with the EPA's recommendations for NSO, we understand through the Response to Comments section that the BLM believes a valuable level of buffer protection is achieved by including the 300 foot Controlled Surface Use (CSU) lease stipulation since this buffer extends from the surrounding wetlands and riparian areas (including the 100-year floodplain) and not just the edge of streams. We encourage you to continue this positive trend in protecting HiLine's valuable water resources.

We continue to recommend that the CSU lease stipulation for Riparian and Wetlands Resources be revised to NSO. We believe that NSO buffers are, in most circumstances, the surest method to protect aquatic resources, particularly in areas where high value water resources are in close proximity to areas with oil and gas development potential that may result in a high density of wells. We recommend NSO to minimize potential deterioration of water quality and to maintain natural hydrologic function of stream channels, stream banks, floodplains and riparian communities. We make this recommendation, in part, based on the fact that a large number of waterbodies in the HiLine planning area are impaired due to sedimentation and/or alteration in stream-side vegetative cover. Many causes of impairment can have several probable sources, including unknown sources, and assigning probable sources is a tentative exercise. While petroleum/natural gas activities may not be specifically identified as a causal factor at

this time, many BLM-authorized activities, including oil and gas development, have the potential to contribute to concerns regarding sedimentation and stream-side vegetation alteration. With this in mind, we request that this NSO recommendation be re-evaluated during the lease sale stage or project level NEPA analyses.


Water Management Associated with Oil and Gas Development: We appreciate that a qualitative discussion was added to the PRMP to address water management issues associated with oil and gas development and to provide some perspective in terms of the past 10 years of development. Given concerns with drought conditions in the planning area, it will be particularly important for project level analyses to address issues moving forward related to the management of flow back and produced water, including the following topics: estimated water demand; sources of this water; potential impacts of water withdrawals; estimated volume of produced water to be generated; options and potential locations for managing the produced water; and potential impacts of produced water management.

Water Resource Monitoring: We note that our Draft EIS recommendations related to water resource monitoring were not addressed. We continue to recommend that all BLM-authorized oil and gas multi-well projects be required to conduct groundwater and surface water monitoring prior to, during and after development to detect impacts to both surface water and groundwater resources. Recent spill events highlight the importance of gathering pre-development data. In anticipation of the need for baseline information to respond to spill events and/or potential future reporting needs, we encourage you to develop a water quality monitoring plan for inclusion in the RMP. We are available to discuss such plans if that would be helpful.

Closing

We have greatly appreciated the BLM's collaborative efforts over the years of development of this EIS. While we support your PRMP, we note that if a less protective decision is ultimately selected, then some of our previous comments on the water resources and air quality analyses and mitigation measures for this EIS would be important to revisit. If further explanation of our comments is desired, please contact me at 303-312-6704, or your staff may contact Amy Platt, at 303-312-6449 or platt.amy@epa.gov.

Sincerely,


for

Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc: Joe Meek, Montana Department of Environmental Quality